

Permitting & Assistance Branch Staff Report

Revised Solid Waste Facilities Permit for the
City of Napa Materials Diversion Facility
SWIS No. 28-AA-0030
March 3, 2015

Background Information, Analysis, and Findings:

This report was developed in response to the County of Napa, Department of Planning, Building, and Environmental Services, Local Enforcement Agency's (LEA) request for the Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed revised Solid Waste Facilities Permit (SWFP) for the City of Napa Materials Diversion Facility (NMDF), SWIS No. 28-AA-0030, located in the City of American Canyon, owned by the City of Napa and operated by Napa Recycling & Waste Services, LLC. A copy of the proposed permit is attached. This report contains Permitting & Assistance Branch staff's analysis, findings, and recommendations.

The proposed permit was received on February 2, 2015. A new proposed permit was received on February 25, 2015. Action must be taken on this permit no later than April 26, 2015. If no action is taken by April 26, 2015, the Department will be deemed to have concurred with the issuance of the proposed revised SWFP.

Proposed Changes:

The following changes to the first page of the permit are being proposed:

	Current Permit (1996)	Proposed Permit
Permitted Hours of Operation	Commercial Vehicles: 5am to 5pm. Public Vehicles 8am to 5pm. Mixed Municipal Waste processing 6am to 6pm. Commingled and Source Separated Recyclables processing: 24 hours. The facility will be closed on Christmas, Thanksgiving, and New Year's Day.	<u>Receipt of Refuse/Waste/Feedstock:</u> 7 days per week: Commercial vehicles 5am to 5pm, Public Vehicles- 8am to 5pm <u>Facility Operating Hours:</u> Twenty-four (24) hours, seven (7) days per week- commingled & source separated recyclables processing, anaerobic digestion, covered aerated static piles (CASP) and windrow composting; mixed waste processing- 6am-6pm <u>Facility Closed:</u> New Year's Day, Easter, Thanksgiving, Christmas
Permitted Maximum Tonnage	360 tons per day (TPD)	760 TPD
Permitted Vehicles	60 vehicles per day (VPD)	386 VPD

	Incoming waste materials 50 VPD Outgoing waste materials (for disposal) 10 VPD	
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Key Issues:

The proposed permit will allow for the following:

1. Combining two existing Full Solid Waste Facilities Permits and an EA Notification; City of Napa Materials Diversion Facility Transfer/Processing Facility (28-AA-0030), City of Napa Material Diversion Facility Compost Facility (28-AA-0023) and the Napa Compost Facility- Chipping and Grinding Operation (28-AA-0039) into a single Solid Waste Facilities Permit (28-AA-0030).
2. Operational changes to the composting facility including the receipt of food waste and co-collected food waste; implementation food waste depackaging and anaerobic digestion activities; and implementation of an aerated static pile (ASP) composting process.
3. An increase in operating hours for the composting operation from 8am to 5pm seven days per week to 24 hours per day, seven days per week to allow for the addition of anaerobic digestion activities.
4. An increase in maximum storage of compost feedstock, composting material, and final product from 60,000 cubic yards to 90,000 cubic yards, where the food waste materials will occur under covered conditions.
5. Combining the maximum VPD limits from the existing SWFPs (28-AA-0030 and 28-AA-0023) for a maximum VPD limit of 386.

Background:

The NMDF is an existing Solid Waste Facility situated on an 18.6 acre site at 820 Levitin Way, American Canyon, Napa County. NMDF (28-AA-0030) has been used as a materials recovery facility since 1996. The SWFP, which was issued on July 16, 1996 allows for a maximum receipt of 360 TPD of commingled recyclables and CDI material. The City of Napa Materials Diversion Facility Composting Facility (28-AA-0023) has been in operation since 1998. The SWFP, which was issued on November 23, 1998 allows for a maximum receipt of 200 TPD of yard waste to be composted on site. The Napa Compost Facility - Chipping and Grinding Operation (28-AA-0039) is an existing operation with an EA Notification issued February 2, 2004. A maximum receipt of 200 TPD of wood waste is allowed under this notification.

Findings:

Staff recommends concurrence in the issuance of the proposed revised SWFP. All of the required submittals and findings required by Title 27 of the California Code of Regulations

(27 CCR), Section 21685, have been provided and made. Staff has determined that the California Environmental Quality Act (CEQA) requirements have been met to support concurrence. The findings that are required to be made by the Department when reaching a determination are summarized in the following table. The documents on which staff's findings are based have been provided to the Branch Chief with this Staff Report and are permanently maintained by the Waste Permitting, Compliance, and Mitigation Division.

27 CCR Sections	Findings	
21685(b)(1) LEA Certified Complete and Correct Report of Facility Information	The LEA provided the required certification in their permit submittal letter dated January 28, 2015.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(2) LEA Five Year Permit Review	A Permit Review Report was prepared by the LEA on June 7, 2011. The LEA provided a copy to the Department on July 8, 2011. The changes identified in the review are reflected in this permit revision.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facility Permit	Staff received proposed Solid Waste Facilities Permit on February 25, 2015.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(4)(A) Consistency with Public Resources Code 50001	The LEA in their permit submittal package received on February 2, 2015, provided a finding that the facility is consistent with PRC 50001. Waste Evaluation & Enforcement Branch (WEEB) staff in the Jurisdiction Compliance Unit found the facility is identified in the Non-Disposal Facility Element, as described in the memorandum dated February 4, 2015.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(8) Operations Consistent with State Minimum Standards	WEEB staff in the Inspections and Enforcement Agency Compliance Unit found that the facilities were in compliance with all operating and design requirements during an inspection conducted on February 10, 2015. See Compliance History below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(9) LEA CEQA Finding	The LEA provided a finding in their permit submittal package received on February 2, 2015, that the proposed permit is consistent with and supported by the existing CEQA documentation. See the Environmental Analysis below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21650(g)(5) Public Notice and/or Meeting, Comments	A Public Informational Meeting was held by the LEA on January 26, 2015. No written or oral comments were received by LEA or Department staff. See Public Comments section below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

27 CCR Sections	Findings	
CEQA Determination to Support Responsible Agency's Findings	The Department is a responsible agency under CEQA with respect to this project. Permitting and Assistance Branch staff has determined that the CEQA record can be used to support the Branch Chief's action on the proposed revised SWFP.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

Compliance History:

WEEB staff in the Inspections and Enforcement Agency Compliance Unit conducted a pre-permit inspection on February 10, 2015, and found that the facilities were in compliance with all applicable state minimum standards and permit conditions.

Below are the details of the two facilities and one operation's compliance history based on the LEA's monthly inspection reports during the last five years:

28-AA-0030 City of Napa Materials Diversion Facility

- 2014 (April, September, November) – Violations of PRC 44014(b) – Exceedance of daily vehicle limit.
- 2013 (April, May) – Violations of PRC 44014(b) – Exceedance of daily vehicle limit.
- 2012 (May, June, September, October, November, December) – Violations of PRC 44014(b) – Exceedance of daily vehicle limit.
- 2011 (April, May) – Violations of PRC 44014(b) - Exceedance of daily vehicle limit. (March, April) – Violations of PRC 21640 – Five year permit review - application not submitted.
- 2010 (March, April, May, June, August, December) – Violations of PRC 44002 – Exceedance of daily vehicle limit. (October) – Violation of 14CCR 17410.4 – Vector, Bird and Animal Control.

28-AA-0023 City of Napa Materials Diversion Compost Facility

- 2014 (September) – One violation of 27 CCR Section 44014(e) – Daily tonnage limit Exceedance.
- 2013 (December) – One violation of 27 CCR 17867(a)(2) – Odors.
- 2012 (December) – One violation of 27 CCR 17867(a)(2) – Odors.
- 2010 (September) – One violation of 27 CCR 17869(e) – Load checking.

28-AA-0039 Napa Compost Facility- Chipping and Grinding Operation

- 2015-2010 No violations were noted.

All of the violations listed above were corrected to the satisfaction of the LEA.

Environmental Analysis:

Under CEQA, the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed revised SWFP

before the Department concurs in it. In this case, the Department is a Responsible Agency under CEQA and must utilize the environmental document prepared by the City of Napa, Department of Community Development, acting as Lead Agency, absent changes in the project or the circumstances under which it will be carried out that justify the preparation of additional environmental documents and absent significant new information about the project, its impacts and the mitigation measures imposed on it.

The changes that will be authorized by the issuance of the proposed permit include:

1. Combining two existing Full Solid Waste Facilities Permits and an EA Notification; City of Napa Materials Diversion Facility Transfer/Processing Facility (28-AA-0030), City of Napa Material Diversion Facility Compost Facility (28-AA-0023) and the Napa Compost Facility- Chipping and Grinding Operation (28-AA-0039) into a single Solid Waste Facilities Permit (28-AA-0030).
2. Operational changes to the composting facility including the receipt of food waste and co-collected food waste; implementation food waste depackaging and anaerobic digestion activities; and implementation of an aerated static pile (ASP) composting process.
3. An increase in operating hours for the composting operation from 8am to 5pm seven days per week to 24 hours per day, seven days per week to allow for the addition of anaerobic digestion activities.
4. An increase in maximum storage capacity of compost feedstock, composting material, and final product from 60,000 cubic yards to 90,000 cubic yards on site at any given time, where the food waste materials storage will occur under covered conditions.
5. Combining the maximum VPD from the existing SWFPs (28-AA-0030 and 28-AA-0023) for a maximum VPD limit of 386.

The proposed changes are supported by the following environmental document(s):

- A Mitigated Negative Declaration (MND) was filed with the State Clearinghouse (SCH No. 2013092036), and adopted by the City of Napa on November 7, 2013.
- A Technical Addendum to the MND, dated June 23, 2014, was filed by the City of Napa Planning Division which clarified a project modification to increase the peak design capacity of the anaerobic digester facility from 20,000 to 25,000 tons per year.

The County of Napa LEA has provided a finding that the proposed revised SWFP is consistent with and supported by the cited environmental documents.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the MND and Technical Addendum, as prepared by the Lead Agency in that there are no grounds under CEQA for the Department to prepare a subsequent or supplemental environmental document or assume the role of Lead Agency for its consideration of the proposed revised SWFP.

The administrative record for the decision to be made by the Department includes the administrative record before the LEA, the proposed revised SWFP and all of its components and supporting documentation, this staff report, the MND and Addendum certified by the Lead Agency, and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed revised SWFP. The custodian of the Department's administrative record is Dona Sturgess, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

Public Comments:

The project document availability, hearings, and associated meetings were noticed consistent with the SWFP requirements. The LEA held a public informational meeting on January 26, 2015, at the City of Napa Community Services Building, located at 1600 First St., in the City of Napa. Six people attended the meeting including the LEA, operator and Department staff. No comments were received by the LEA or Department staff.

Department staff provided an opportunity for public comment during the CalRecycle Monthly Public Meeting on February 17, 2015.